

R277. Education, Administration.

R277-415. School Nurses Matching Funds.

R277-415-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Section 53A-1-401, which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Section 53A-17a-154, which requires the Board to distribute grant money to LEAs for school nurses.

(2) The purpose of this rule is to provide rules for awarding of matching funds under Section 53A-17a-154.

R277-415-2. Definitions.

(1) "Advanced Practice Registered Nurse" or "APRN" is a nurse practitioner who may practice as a school nurse, or in a supervisory role.

(2)~~[(a)]~~ "Health aid or clerk" means an unlicensed assistive person who must work under the supervision of an RN.

~~[(b) A health aid or clerk may be responsible for:~~

~~—(i) health screenings;~~

~~—(ii) performing delegated procedures;~~

~~—(iii) supervision and administration of medication;~~

~~—(iv) basic first aid procedures;~~

~~—(v) maintenance of student health records; and~~

~~—(vi) maintenance of a clean and orderly examination room.]~~

(3) "Licensed Practical Nurse" or "LPN" means a nurse who may only assist or work under the supervision of a registered nurse or a medical doctor.

~~[(4) "Matching funds" means funds awarded to support an LEA's school nursing program in accordance with Section 53A-17a-154.]~~

~~[(5)]~~⁴ "Physician" means a licensed doctor with a doctorate in medicine or

osteopathic medicine from an accredited college or university.

~~(f)(5)~~ "Registered nurse" or "RN" is a licensed practicing nurse with a degree in nursing from an accredited college or university.

~~(f)(6)(a)~~ "Typical school nurse" means a licensed RN specializing in school nursing that serves as a health care expert in a school.

~~(b) A typical school nurse may:~~

~~— (i) assess health status;~~

~~— (ii) case manage a student with a health condition;~~

~~— (iii) deliver emergency care;~~

~~— (iv) administer medicine or vaccines;~~

~~— (v) identify vision and hearing problems that impact learning;~~

~~— (vi) train and delegate responsibilities to school staff for appropriate administration of medications and nursing procedures.]~~

R277-415-3. ~~[Matching Funds]~~ Appropriation for School Nurses.

(1) The Superintendent shall award ~~[matching funds]~~ an appropriation for school nurses to LEAs subject to the requirements of this Rule R277-415 and Section 53A-17a-154.

(2) An LEA that seeks an appropriation for school nurses under this Rule shall submit an application for ~~[matching]~~ school nurse funds annually ~~[by April 30 annually]~~.

(3) The Superintendent shall determine the amount of ~~[matching funds]~~ an LEA's allocation taking into account:

(a) an LEA's student enrollment;

(b) an LEA's ability to match funds as provided in this Section R277-415-3;

(c) the percentage of change to an LEA's school nursing staff since state fiscal year 2007; and

(d) the annual allocation of funds towards the school nursing program by the Legislature.

(4) An LEA ~~[must]~~ shall provide a dollar for dollar match for ~~[matching funds]~~ an appropriation for school nurses awarded in accordance with this rule.

59 (5) An LEA shall provide a physician or APRN consultant to provide oversight to the
60 LEA's school nursing program.

61 (6) Beginning with the 2018-19 school year, ~~[A]~~an LEA may use matching funds for
62 paid personnel costs of:

63 (a) a typical school nurse;

64 (b) a registered professional nurse; or

65 (c) a licensed medical physician.

66 (7) Beginning with the 2018-19 school year, ~~[A]~~an LEA may not use matching funds
67 for:

68 (a) an LPN;

69 (b) a special education school nurse;

70 (c) a pre-school school nurse;

71 (d) a health aid or clerk;

72 (e) a certified nurse assistant;

73 (f) office space; or

74 (g) medical supplies.

75 (8) An LEA may not count a school nurse as a full FTE at one school and a partial
76 FTE at another school.

77 (9) An LEA shall provide documentation to the Superintendent to ensure that
78 ~~[matching funds]~~an appropriation for school nurses received does not supplant previous
79 school nursing costs, including the LEA's:

80 (a) funding amounts and sources of funding for school nurses employed prior to
81 state fiscal year 2008;

82 (b) funding amounts and sources of funding for current school nurses;

83 (c) current personnel cost information; and

84 (d) names and license numbers of employed school nurses.

85 (10) An LEA shall provide names and license numbers of the LEA's school nurses,
86 including new hires, and overseeing consultants to the Superintendent by November 30
87 annually.

88 (11)(a) An LEA may provide an in-kind service match to qualify for ~~[matching]~~state

funds under this rule.

(b) An in-kind match under Subsection (11)(a) may include:

(i) a collaborative agreement with a local health department supported by an executed memorandum of understanding or contract, which shall include an hourly rate attributable to the services provided;

(ii) volunteer hours by a registered professional nurse valued at any hourly market rate approved by the Superintendent;

(iii) volunteer hours by a licensed medical physician valued at an hourly market rate approved by the Superintendent;

(iv) funds paid by a local health department towards school nurse personnel costs; and

(v) funds paid by any other outside source towards school nurse personnel costs.

(12) The Superintendent may require an LEA receiving ~~matching funds~~ an appropriation for school nurses to:

(a) submit reports to the Superintendent and Utah Department of Health regarding the LEA's school nursing activities; and

(b) participate in standardized data collection as established by the Utah Department of Health, including the annual school health workload census.

(13) An LEA that fails to meet its matching obligations shall reimburse any ~~matching~~ state funds awarded in accordance with this rule.

KEY: school nurse, awarding, funds

Date of Enactment or Last Substantive Amendment: 2018

Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53A-1-401